



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,312	09/10/2004	Chieh-Chung WANG	AITP0015USA	5311
27765	7590	12/08/2008		
NORTH AMERICA INTELLECTUAL PROPERTY CORPORATION				
P.O. BOX 506				
MERRIFIELD, VA 22116				
EXAMINER				
CHEVALIER, ROBERT				
ART UNIT		PAPER NUMBER		
2621				
NOTIFICATION DATE		DELIVERY MODE		
12/08/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

winstonhsu.uspto@gmail.com

Patent.admin.uspto.Rcv@naipo.com

mis.ap.uspto@naipo.com.tw

Office Action Summary

Application No.

10/711,312

Applicant(s)

WANG ET AL.

Examiner

ROBERT CHEVALIER

Art Unit

2621

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16-20 is/are allowed.
- 6) ☒ Claim(s) 1-4 and 7-15 is/are rejected.
- 7) ☒ Claim(s) 5 and 6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 9-12, 15, are rejected under 35 U.S.C. 102(b) as being anticipated by Kawamura et al (P.N. 5,923,811).

Kawamura et al discloses a video/audio recording/reproducing apparatus that shows all the limitations recited in claims 1, 9, including the feature of preparing audio information having a plurality of bytes and preparing video information having a plurality of bytes (See Kawamura et al's Figure 1), the feature of forming in the audio information one synchronization audio packet (SAP), each of the SAP having at least one byte of audio information and forming in the audio information one control audio packet having one byte of the audio information (See the packet information shown in Kawamura et al's Figure 3, note that the code data can be audio information), the feature of merging the audio information and the video information to form at least one video-audio packet (VAP) each of the at least one VAP having at least one byte of the audio information and combining the SAP, the CAP, and the VAP to form universal audio-video frame as specified in the present claims 1, 9. (See Kawamura et al's Figures 3, and 13, wherein it is shown the packets of the audio data and the video data are merged or combined as claimed).

With regard to claims 2, 10, the feature of storing one synchronization data for marking a start of the at least one UAVF as specified thereof is present in Kawamura et al. (See the pack start code and the packet start code shown in Kawamura et al's Figure 3).

With regard to claims 3, 11, the feature of storing at least one control data for reproducing the video information as specified thereof is present in Kawamura et al. (See the DTS/PTS shown in Kawamura et al's Figure 3).

With regard to claims 4, 12, the feature of arranging the audio information behind the synchronization field and the control field, and for the VAP the audio information is arranged behind the video field as specified thereof is present in Kawamura et al. (See Kawamura et al's Figure 3, note that the code data provided thereof is arranged behind the sync field and the control field, and furthermore, see Kawamura et al's Figure 13).

With regard to claim 7, the feature of recording on a recording medium as specified thereof is present in Kawamura et al. (See Kawamura et al's Figure 1, component 10).

With regard to claims 8, 15, the feature of the recording medium being disk as specified thereof is present in Kawamura et al. (See Kawamura et al's Figure 1, component 10).

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 9-15 are rejected under 35 U.S.C. 101 because the claim is directed to a recording medium storing nonfunctional descriptive material.

Data structures not claimed as embodied in computer-readable media are descriptive material per se and are not statutory because they are neither physical "things" nor statutory processes. See, e.g. Warmerdam, 33 F.3d at 1361, 31 USPQ2d at 1760 (claim to a data structure per se held nonstatutory) and merely claiming nonfunctional descriptive material stored in a computer-readable medium does not make it statutory. See MPEP 2106.IV.B.1.

5. Claims 5-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Claims 16-20 contain allowable subject matter over the prior art of record.

7. The following is a statement of reasons for the indication of allowable subject matter:

The claimed invention is directed to a method of decoding audio-visual information formatted by at least one universal audio-visual frame. The independent claim identifies the feature of "accessing a first portion of the audio information from at least one SAP; detecting data stored in a control field of the at least one CAP; accessing a second portion of the audio information from the at least one CAP; accessing the video information stored in the video field of the at least one VAP; accessing a third portion of the audio information from the at least one VAP; reproducing the video information stored in the video field in response to the data stored

in the control field; and playing back the first to third portions of the audio information".

The closest prior art, Kawamura et al discloses a conventional audio/video reproducing apparatus, either singularly or in combination fails to anticipate or render the above underlined limitations obvious.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Both Ando et al and Yoshio et al disclose a conventional audio/video recording/reproducing apparatus.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT CHEVALIER whose telephone number is (571)272-7374. The examiner can normally be reached on MM-F (9:00-6:30), second Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ROBERT CHEVALIER/
Primary Examiner, Art Unit 2621
December 2, 2008.